

ENTERED

July 28, 2023

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

	§ CIVIL ACTION NO
	§ 4:20-cv-00576
	§
	§
IN RE: ANADARKO	§ JUDGE CHARLES ESKRIDGE
PETROLEUM	§
CORPORATION	§
SECURITIES	§
LITIGATION	§
	§

ORDER

Pending is a discovery letter from Lead Plaintiff Norfolk County Council as Administering Authority of the Norfolk Pension Fund, Iron Workers Local #580 Joint Funds. It requests enforcement of prior orders compelling production of documents. Dkt 203.

Defendant Anadarko Petroleum Corporation requests in response that the production of documents be stayed pending the adjudication by the Fifth Circuit of a recently filed mandamus petition. Dkt 204.

Plaintiff's request is DENIED at this juncture. Dkt 203.

It is true that production of documents has been recently ordered. But Defendant has, as it is entitled to do, sought mandamus relief on those orders compelling. And both sides recognize that the production concerns disputed matters of privilege.

The confidentiality attaching to assertions of privilege is lost once disclosure is made. A stay of production to allow the Fifth Circuit to consider the issue is thus appropriate. Indeed, had this request been a contingent subject of briefing at the time the prior orders were issued, a stay for

such consideration would have been provided in the first instance.

The orders compelling production of documents are STAYED pending the resolution of the mandamus petition pending at the Fifth Circuit. Dkts 173 & 199.

The parties are ORDERED to provide a joint status report within seven days of any ruling by the Fifth Circuit. Such report should address at a minimum how discovery will further proceed and if any deadlines require adjustment.

SO ORDERED.

Signed on July 28, 2023, at Houston, Texas.


Hon. Charles Eskridge
United States District Judge